

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MITRA DAS, MUKTI  
L. DAS, and TROCA HOLDINGS  
LLC, for themselves, and as assignees  
of BOSTON EAST TYNGSBORO  
HOLDINGS LLC,

Plaintiffs,

v.

THE LOWELL FIVE CENT SAVINGS  
BANK, DAVID WALLACE, and  
JOHN PRATT JR.,

Defendants.

Case 1:24-cv-10931-PBS

**DEFENDANTS' ASSENTED-TO MOTION TO CONFIRM CURRENT RESPONSIVE  
PLEADING DEADLINE**

NOW COME the Defendants, The Lowell Five Cent Savings Bank, David Wallace, and John Pratt, Jr. ("Defendants"), with the assent of Plaintiffs, and request the Court confirm its current responsive pleading deadline is November 25, 2024. As grounds for this motion, the Defendants state:

1. This matter was originally filed in April 2024. In June 2024 the Defendants executed waivers of service of process. The Court then extended Defendants' responsive pleading deadline to September 30, 2024. As a result of the parties' L.R. 7.1 conference focused on the intention of defense counsel on the call to move to dismiss the Complaint, Plaintiffs moved to amend their Complaint.

2. The parties previously agreed that Plaintiffs would file an Amended Complaint by October 16, 2024, with the responsive pleadings due 30 days after, or by November 15, 2024. *See* Doc. no. 23. On October 16, 2024, Plaintiffs filed an Emergency Motion to

Continue Deadline for Filing and Service of Amended Complaint. *See* Doc. no. 26. That motion was allowed, and the Amended Complaint was filed on October 25, 2024. *See* Doc. no. 30. However, the November 15, 2024 responsive pleading deadline – based on a filing date of October 16, 2024 and not October 25, 2024 – may not have been updated, and Defendants seek clarification that the current responsive pleading deadline is November 25, 2024.

3. On November 7, 2024, the Defendants filed a motion requesting a stay or further extension of the responsive pleading deadline (Doc. no. 31). The Defendants still request the relief sought, and the Plaintiffs plan to file an opposition, but in the interim the Defendants request confirmation of the current responsive pleading deadline.

4. The Plaintiffs assent to the relief requested in this motion without prejudice to any arguments it plans to raise in opposition to the Defendants’ request for a stay or further extension of the responsive pleading deadline (Doc. no. 31).

**Local Rule 7.1(a)(2) Certification**

The undersigned counsel hereby certifies that he conferred with Plaintiffs’ counsel in a good faith attempt to resolve or narrow the issue herein and Plaintiffs assent to the relief requested.

WHEREFORE, Defendants, The Lowell Five Cent Savings Bank, David Wallace, and John Pratt, Jr., respectfully request this Honorable Court confirm that the current deadline to file a response to the Amended Complaint is November 25, 2024.

Respectfully submitted,  
The Defendants,  
THE LOWELL FIVE CENT SAVINGS  
BANK, DAVID WALLACE, AND  
JOHN PRATT, JR.,

By their counsel,

/s/ Daniel R. Sonneborn

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Dated: November 14, 2024

### **CERTIFICATE OF SERVICE**

I certify that on November 14, 2024, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and electronic copies will be sent to those indicated as non-registered participants.

/s/ Daniel R. Sonneborn

Daniel R. Sonneborn